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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JACOB BARRETT,

Plaintiff,

v.

BRIAN BELLEQUE, et al.,

Defendant.

Civil No. CV06-510-JE

PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT

ORAL ARGUMENT REQUESTED

Certificate of Local Rule 7.1(a) Compliance

Pursuant to LR 7.1(a), counsel for plaintiff Jacob Barrett ("plaintiff") conferred in good faith with opposing counsel regarding the filing of this motion, but could not reach agreement with opposing counsel.

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MOTION

Pursuant to FRCP 56, plaintiff moves for partial summary judgment seeking a ruling from the Court that 1) the Oregon Department of Corrections (“ODOC”) regulations at issue are unlawful as applied to plaintiff’s outgoing correspondence; and 2) prison officials cannot lawfully punish inmates for using offensive language in outgoing correspondence.

This motion is supported by the accompanying Memorandum in Support of Plaintiff’s Motion for Partial Summary Judgment; Concise Statement of Material Facts; and the Declaration of Jacob Barrett, and associated Authentication of Handwritten Statement Entitled “Affidavit of Jacob Barrett.”

DATED: October 27, 2009.

STOEL RIVES LLP

/s/ Ryan S. Gibson

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